

Community Supervision

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PRINCIPLE

Post-incarceration supervision has meaning when timely and appropriate intervention is accomplished.

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BEHAVIORAL INDICATORS

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Self-Report

Careful and respectful attention to supervisees' post-violation rationales provides a vocabulary of indicators for potential behavioral failure. These are distinct from legal defenses and their frequency and commonality are more significant than whether strictly "legitimate" in every case.

Loss or destruction of important relationships, financial stresses and simple inability to manage time or prioritize responsibilities are regular features of the vocabulary. Personality characteristics including depression, volatility and addictions are usually present as well. Fear of the consequences of a small failure may be offered as a rationalization for complete breakdown of compliance, usually including flight.

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Criminal Investigations

Some investigators suggest that suspects may exhibit certain behaviors contemporaneous with their crime(s) such as appearing nervous or especially rigid or preoccupied. The perpetrator may suffer depression and insomnia and have recently been involved in marital or employment problems. Conflicts within the "family" and financial stresses and addiction behaviors may also be present.

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Appraisal Categories

Some categories of behavioral observations of sex offender supervisees specifically are suggested:

- | | |
|-------------------------|-------------------------------|
| I. <u>VICTIM ACCESS</u> | II. <u>EMOTIONAL COLLAPSE</u> |
|-------------------------|-------------------------------|

III. COLLAPSE OF SOCIAL SUPPORTS

IV. HOSTILITY

V. SUBSTANCE ABUSE

VI. SEXUAL PRE-OCCUPATION

VII. REJECTION OF SUPERVISION

Appraisals are subjective and not necessarily within the supervisee's control and subtle emotions and outside stressors cannot be expressed as conditions subject to enforcement/intervention action.

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LSI-R

The Level of Services Inventory – Revised (originally Supervision) is a structured interview tool developed by Canadians Andrews and Bonta. This is used by the Department of Corrections (DOC) for assigning levels of supervision or “risk management”.

This copyrighted form is comprised of ten sub-components for evaluation of: criminal history, leisure/recreation, education/employment, companions, financial, alcohol/drugs, family/marital, emotional/personal, accommodation and attitudes/orientation of the supervisee.

The tool is, according to its designers, to assist in identifying dynamic areas of risk/need that may be addressed by programming. It should provide a convenient record of factors to be reviewed and assist in appropriate allocation of supervisory resources.

Scores are expected to change over time as dynamic factors are influenced during supervision. LSI-R scores are converted into odds of re-offense within a period. For example, a score in the upper 20's might be categorized as a low-moderate risk/needs case and, statistically, 48.1% of those so scoring may re-offend within a year.

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DEPARTMENT OF CORRECTIONS RISK MANAGEMENT LEVELS (DOC Policy 320.410)

Risk Management – A (RM-A) Offenders:

A. Offenders will be assigned RM-A if they meet one or more of the following criteria:

1. Have an LSI-R score of 41 or over, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses, or comparable conviction from another state;
2. Are Level III sex offenders;
3. Have been designated as a Dangerous Mentally Ill Offender (DMIO) by the *Statewide Multi-Service Review Committee*; and/or
4. Through documented history, meet any of the following:

- a. Have committed a sexual/violent act involving a victim who was unknown to the offender.
- b. Have committed a predatory act of violence directed toward an individual(s) with whom a relationship has been established or promoted for the primary purpose of victimization.
- c. Have committed a sexual/violent act where the victim was vulnerable, due to age (i.e., 5 years or younger) or visible disability.
- d. Have committed hate crimes:
 - 1) Have committed a violent act or made threat(s) of violence against a person, group, or institution which was motivated in whole or in part by the offender's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin; and/or
 - 2) Are a member of an organization whose primary purpose is to promote animosity, hostility, and/or malice, motivated in whole or in part by the organization's bias against a race, religion, disability, sexual orientation, or ethnicity/national origin, and have played a primary role in planning activities for the organization that has resulted in violence.
- e. Are considered an Imminent Risk:
 - 1) Are exhibiting behavior demonstrating a current threat to past or potential victim(s) including, but not limited to, domestic violence or sexual acts; and/or
 - 2) Have a current conviction for domestic violence and/or sexually assaultive behavior and continue to pursue a relationship with the victim, with or without the victim's consent.

Risk Management – B (RM-B) Offenders

- A. Offenders who do not meet the criteria to be assigned to RM-A will be assigned RM-B if they meet one or more of the following criteria:
 - 1. Have an LSI-R score of 41 or over;
 - 2. Have an LSI-R score of 32-40, with a past or current conviction on the Felony Index of Violent and/or Serious Violent Offenses or comparable conviction from another state;

3. Are under the jurisdiction of the Indeterminate Sentence Review Board (ISRB);
4. Are Level II sex offenders;
5. Are Level I sex offenders who have been ordered to obtain an evaluation/participate in sexual deviancy treatment and are not in treatment, or are out of compliance with the treatment requirements and/or risk related condition(s) of the Offender Accountability Plan (OAP);
6. Are currently sentenced under the Special Sex Offender Sentencing Alternative (SSOSA) and, since their most recent sexual offense, have been participating in sexual deviancy treatment in the community for less than 6 months;
7. Have been identified, by a qualified service provider, as having a high level of needs requiring ongoing services in order to transition to, or be maintained in, the community. This may include seriously mentally ill and developmentally disabled offenders;
8. Have a current domestic violence related offense and assessment of imminent risk has not yet been determined; and/or
9. Have 2 or more domestic violence related arrests within the past 5 years, while living in the community, and meet all of the following criteria:
 - a. Have an LSI-R score of 32 or higher;
 - b. Have a childhood history of witnessing or being the victim of domestic violence;
 - c. Have a history of alcohol abuse; and
 - d. Have any history of violence outside of a domestic relationship.

Risk Management – C (RM-C) Offenders

- A. Offenders who do not meet the criteria to be assigned to RM-A or RM-B will be assigned to RM-C if they meet one or more of the following criteria:
1. Have an LSI-R score of 24 to 40;
 2. Are Level I sex offenders in compliance with the risk related conditions of their OAP, if any, and meet one of the following criteria:
 - a. Were not ordered sexual deviancy treatment;
 - b. Have provided written documentation from a certified sexual deviancy treatment provider that treatment is not deemed necessary;
 - c. Are participating in sexual deviancy treatment with a certified sexual deviancy treatment provider;
 - d. Have a current SSOSA sentence and have been participating in sexual deviancy treatment, with a certified sexual deviancy treatment provider in the community, for a minimum of 6 months

since their most recent sexual offense; and/or

- e. Have successfully completed sexual deviancy treatment, with a certified sexual deviancy treatment provider, since their most recent sexual offense.
- 3. Have 2 or more domestic violence related arrests within the past 5 years in the community and meet all of the following criteria:
 - a. Have a childhood history of witnessing or being the victim of domestic violence;
 - b. Have a history of alcohol abuse; and
 - c. Have any history of violence outside of a domestic relationship.
- 4. Are on supervision for Drug Offender Sentencing Alternative (DOSA) sentence.

Risk Management – D (RM-D) Offenders

- A. Offenders who do not meet the criteria to be assigned to RM-A, RM-B, or RM-C with a LSI-R score of 0-23 will be assigned to RM-D.

(Department of Corrections policies are subject to regular review and change, current formulation should be considered).

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GOAL

The violation/enforcement process must respond to violation behavior(s) in a manner to encourage successful adjustment to supervision and compliance with conditions in order to reduce the likelihood of future offenses.

THEREFORE, the process should:

1. Respond immediately to all violation behavior in a proportional and least restrictive manner at the lowest or most direct level

AND

2. Use effective meaningful intervention as responses to community custodee needs that may be factors contributing to their violation

AND

3. Identify non-responsive and/or high risk/dangerous individuals who have exhausted appropriate/available interventions and incapacitate them

BY ARREST AND

4. Reference for re-incarceration process/consideration.

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SUPERVISION

The Department of Corrections (DOC) is responsible for the level of supervision of an offender released to “Community Custody” by the Board (CCB). The intensity of monitoring may range from periodic visits in the residence of record and observations at work to monthly “kiosk” (self-report) check-ins. The number of monthly direct contacts and degree of verification depend upon the above Risk Management levels determined by DOC. The immediate manager of the quality of supervision is the Community Corrections Officer (CCO) employed by DOC.

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CONDITIONS OF COMMUNITY CUSTODY

Those sex offenders released to community custody by the Board are subject to Department of Corrections (DOC) supervision for the entire duration of the sentence. (This is distinct from the 36 months of community supervision for parolees).

Registration with the county sheriff within 24 hours of release is mandated by statute (RCW 9A.44.130; 10.01.200) and failure to comply is an independent felony subject to prosecution as well as being a violation of community custody status. A Board approved residence is a virtually mandatory pre-condition for release.

Conditions of post-incarceration community custody are set by (1) the sentencing Court, the only body with authority to modify or amend Court-set conditions; and (2) the Board may add additional conditions at any time and will customarily incorporate by reference the Court’s conditions to confirm the Board’s primary enforcement authority; and (3) Department of Corrections, usually via the Community Corrections Officer (CCO), may set additional conditions at any time which will be valid, for seven days only, as an emergency measure unless approved by the Board.

The sentencing Judge may have the benefit of DOC condition recommendations if and when an LSI-R is administered as part of the Pre-Sentence Investigation (PSI). Conditions should be directed at identified “criminogenic” risk/needs.

Protection of the public and meaningful transition of the offender are objectives for Board -set conditions at the time of release and thereafter as circumstances warrant. DOC is to assess the offender’s risk and shall recommend to the Board any additional or modified conditions. CCO requests for Board addendums are carefully considered.

The Community Corrections Officer (CCO), the supervision manager, must be depended upon to: (1) promptly report to appropriate law enforcement evidence of a supervisee’s non-compliance with statutory registration requirements; and (2) discover violations of conditions and take appropriate corrective action. When necessary, arrest should be prompt without awaiting Board approval in advance.

JA:rls 6/23/03